

**Mayor**  
Rhonda Haight

**City Council**  
Angie Arp, Mayor Pro Tempore  
Jack Taylor  
Christy Kay  
Bill Bivins  
William Whaley



**City Administrator**  
Eric M. Soroka

**City Clerk**  
Amy Mintz

**City Attorney**  
Chuck Conerly

**City of Blue Ridge**  
**City Council Meeting Agenda**  
**February 15, 2022**

**5:00 p.m.**

**Blue Ridge City Hall**  
**480 West First Street**  
**Blue Ridge, Ga 30513**

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1. **Call Meeting to Order**
  2. **Prayer and Pledge of Allegiance**
  3. **Approval of Minutes from Previous Meeting**
    - a) December 21, 2021 (Council Meeting)
    - b) December 21, 2021 (Public Hearing)
    - c) January 18, 2022 (Council Meeting)
    - d) January 26, 2022 (Special Called)
  4. **Approval of Agenda or Motion to Amend Agenda (if applicable)**
  5. **Called Public Hearings**
    - a) AN ORDINANCE TO AMEND CHAPTER 2 ("ADMINISTRATION") ARTICLE III ("DEPARTMENTS, BOARDS AND COMMISSIONS") DIVISION 7 ("CITY PLANNING COMMISSION") OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA TO CHANGE THE MANNER BY WHICH MEMBERS OF THE PLANNING COMMISSION ARE APPOINTED (FIRST READING)
    - b) AN ORDINANCE TO AMEND CHAPTER 10 ("BUSINESS REGULATIONS"), ARTICLE V ("SHORT-TERM VACATION RENTALS"), SEC.10-198 (EFFECTIVE DATE; TOLLING; SPECIAL LAND USE PERMIT; NONCONFORMING GRANDFATHERED USE") OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA TO ELIMINATE THE USE OF SPECIAL LAND USE PERMITS FOR SHORT-TERM VACATION RENTALS AND FOR OTHER PURPOSES. (FIRST READING)
    - c) A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BLUE RIDGE, STATE OF GEORGIA, TO RATIFY AND AFFIRM THE ADOPTION OF

**Our Mission Statement**

Our mission is to enrich the quality of life in Blue Ridge for all our citizens. We pledge to work in partnership with our residents, all stake holders and the Fannin County government to protect, preserve and secure the quaintness of our small-town community and to enhance the natural beauty of our environment.

CHAPTER 111 ("STORMWATER MANAGEMENT") OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA

**6. Consent Agenda**

- a) Motion to approve an invoice in the amount of \$10,711.84 to Municode for City Code Books.
- b) Motion to approve an invoice in the amount of \$33,400 to Brannen Ford for 2022 Ford Explorer for the replacement of a damaged vehicle in the Police Department.
- c) Motion to approve the scope description and price quote in the amount of 10,608.75 to Patriot Rail for work associated with the Depot Street Drainage Improvement Project.

**7. Action Agenda Items (Items requiring the approval of the City Council)**

- a) Motion to authorize the Mayor, City Administrator and/or City Clerk to act as signatories for checks issued from or withdrawals made from accounts made by the City.

**8. Discussion Agenda Items**

- a) Downtown Parking

**9. Reports**

**10. Public Comments**

- a) Downtown Development Authority Update
- b) Blue Ridge Business Association Update
- c) Harold Michael – Charging Stations for Electric Vehicles
- d) John Tucker – Liquor Store

**11. Executive Session (if needed)**

**12. Adjournment**

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# City of Blue Ridge

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City Council Meeting

December 21, 2021

5:00 p.m.

City Hall

## MINUTES

### Present

Mayor: Donna Whitener

Council Members: Rhonda Haight, Nathan Fitts, Mike Panter, Robbie Cornelius

Finance Director: Michael Richardson

Zoning, Land Development, and Project Manager: Jeff Stewart

Street Department Supervisor: Tony Byrd

City Clerk: Amy Mintz

#### 1) Call Meeting to Order

Mayor Donna Whitener called meeting to Order.

#### 2) Prayer and Pledge of Allegiance

Council Member Robbie Cornelius led the prayer.

Mayor Donna Whitener led the Pledge of Allegiance.

#### 3) Approval of Minutes from Previous Meeting

##### a) November 16, 2021 – City Council

Council Member Mike Panter made a motion to accept the minutes.

Council Member Rhonda Haight seconded the motion.

All in Favor.

##### b) December 7, 2021 – Public Hearing

Council Member Mike Panter made a motion to accept the minutes.

Council Member Rhonda Haight seconded the motion.

All in Favor.

##### c) December 7, 2021 – Special Called (employment approval)

Council Member Rhonda Haight made a motion to accept the minutes.

Council Member Mike Panter seconded the motion.

All in favor.

#### 4) Approval of Agenda or Motion to Amend Agenda (if applicable)

Mayor Donna Whitener asked to amend the agenda and allow Discussion Item 17, Tacie Jo with the 2020 financial statement come before the action agenda items

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Council Member Rhonda Haight made a motion to amend the agenda and move Tacie Jo with the 2020 Financial statements after public comments.

Council Member Mike Panter seconded the motion.

All in favor.

## **Public Comments (for all speakers who have signed up the previous week):**

### **1) Cesar Martinez – DDA Update**

Chairman Cesar Martinez explained Board Member Nichole has already met with the vendors for signage and still needs to meet with Ace Hardware. Mr. Martinez stated Nichole has already met with the other group and they are outlining where some of the signs need to go.

Chairman Martinez stated Board Member Russell is currently working with someone who will fix the internet and cell availability in downtown. Mr. Martinez said as soon as he has all the information together, he will bring it to the council.

Chairman Martinez stated the next item is the next DDA meeting. Mr. Martinez advised the next meeting would be January 3<sup>rd</sup>, and would fall before the next council gets sworn in. Mr. Martinez stated the meeting is generally when they bring the council in, so he will be postponing the meeting until February 7<sup>th</sup>, 2022.

### **2) Cesar Martinez – BRBA Update**

Chairman Cesar Martinez explained they will be having their 11<sup>th</sup> annual fire and ice festival on February 19<sup>th</sup>, 2022.

### **3) Donna Thompson – Development**

Audience member Donna Thompson came to the podium to voice her concerns. Ms. Thompson stated she had a few questions regarding the Kiker development that is going to be voted on at tonight's meeting.

Ms. Thompson stated it is disappointing that we are not hearing questions from the guys from the last meeting. Donna stated the council approved this project asking that final plans return to the council for final approval but have been no dimensions or details provided so it is impossible for the council to make a responsible decision without the information.

Ms. Thompson said she would like for someone to tell the concerned citizens what the elevation is going to be at the street level to the top of the building. Ms. Thompson advised she has been contacted by builders and they are estimating the building will be over 90 foot at street level at the intersection. She asked if this was the reason for details being hidden from the public by the developer, property owner and the city council. Ms. Thompson stated impact studies should have been required.

Donna stated to not ask questions, represent, and protect the city is negligent on your part. Ms. Thompson voiced concerns regarding traffic volume, turn lanes, sidewalks, storm drains, water, sewer, and police. She stated comparing it to the Searles request it shows tremendous

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

discrimination or preferential treatment. She advised there is less information here than there was on the Searles request, yet no questions being asked.

Donna stated at the last meeting three council members voiced concerns for a potential lawsuit and are basing your vote on a threat of the lawsuit or on the city ordinances. She said the question remains, who empowered the city attorney to make decisions without the knowledge of the city council. Attorneys are very selective about their words and one incorrect or misused word in a document can change the interpretation of the entire document.

Donna stated Mr. Balli stated in a letter to Mrs. Doss that Kiker is not limited by the current moratorium and may construct the building as shown on the approved elevation. Ms. Thompson asked who approved the elevation and when, how and by whom was it done and when did the decision transfer from judge Kiker to whom development.

Donna stated grandfathering usually does not always transfer with the sale of property. She advised the council she had a petition signed by approximately 750 people with numerous comments.

#### 4) Richard Arnold – Rezoning on West Fain, Special Land Permit East 2<sup>nd</sup>

Moved to speak during public hearing for the properties.

#### 5) Richard Arnold – Kiker property

Richard Arnold came up to the podium to voice concerns. He stated he did not have much to add after the points Donna Thompson made. He said you can tell by looking at the audience that the majority of the people present are opposed to the development of the condos.

Richard stated every time he drives by the property, he thinks of the way they have it set in the drawings, you will be looking at a wall that will basically block out the sun. He said we can't stop them from building something in CBD at 35 feet like it states in the ordinance. He stated if the owners and developers are really wanting to work with the community, they should come up with another plan to set it differently on the property. Mr. Arnold stated the city and the county do not want the condos.

### **Discussion Agenda Items (Items for discussion only):**

#### 1) Auditor Tacie Jo – 2020 Financial Statements - MR

Mayor Donna Whitener advised Tacie Jo works with Walker and Welch and does the City's audit at the end of the year.

Tacie Jo stated she is an engagement partner and has been work on the City of Blue Ridge audit for several years. She advised they finished the audit in September and had another clean audit this year as they have had in the past. Tacie said they had a few things change on the 2020 financial statement, one being the DDA. She said now that they have revenues and expenses it is now a separate column on the financial statement.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Tacie stated overall the financials looked good and only had one finding, segregation of duties, which is the same finding they have had for a few years now. Tacie stated the City is doing the best they can with the resources and staff we have. She said they do like that the Mayor and Council continue to be involved in the finances, which is one of the mitigating factors to our risks and gives an added level of protection.

Tacie advised they did have an elected official contact them regarding a tax issue, and since they are auditors, it does have to be reported. She stated they did look at taxes closer for the 2020 because the issue raised to them was in a year that had not been audited. She said when looked at they were happy to see the issue had been resolved and the uncollected amount remained at an immaterial amount.

Tacie stated other than that they did not have any findings that she thought needed brought to the council's attention.

Mayor Whitener stated one of the things that probably did not work in our favor along with other cities was the pandemic.

Tacie stated one thing they did test during the pandemic was whether the cities controls were still functioning. She stated the signatures where who they were supposed to be, the invoices were still approved, purchase orders existed, and the council approved the invoices even though there was trouble having meetings.

## **Action Agenda Items (Items requiring the approval of the Council):**

- 2) Rezoning Request: Martin Velasques 51, 61, 71 West Fain Street. Proposed C2 (General Commercial) From R1 (Low Density Residential)

Mayor Donna Whitener opened the Public Hearing.

- a) Allow Applicant 10-Minuties to Present His or Her Case.

Martin Velasques came up to the podium to present. Mr. Velasques stated he owns restaurants in Atlanta and bought property in Blue Ridge because he believes it would be a good location for his restaurant.

Kristen Young also came up to the podium to help speak on behalf of Mr. Velasques. Mrs. Young stated the property is located by Home Depot and is surrounded by other commercial property. Mrs. Young said they have a demo permit and have already taken the houses down on their property.

Kristen Young advised they have an easement going into the property behind where body plex and the auto parts store is located for easy access and will not hinder traffic on Highway 5.

Richard Arnold came up to the podium and advised he was not opposing the property but wanted to voice his opinions. Mr. Arnold advised accessing West Fain Street off Highway 5 is dangerous. He stated he would like to see when the easement goes in an easy access road straight to West Fain Street versus having to pull into a parking lot and go around their customers to access the road.

- b) Allow Opposing Parties 10-Minuties Collectively to Present His or Her Case.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

No opposing parties.

Mayor Donna Whitener closed the public hearing.

- c) Planning Commission Recommendation for First Public Hearing on December 7<sup>th</sup>, 2021.

Zoning, Land Development, and Project Manager Jeff Stewart came up to podium to present. Mr. Stewart said the property is in an island surrounded by commercial and believes it should all be commercial. Mr. Stewart said he has no objecting to the rezone. He believes it should all be commercial.

Council Member Mike Panter made a motion to approve all lots go from R2 to C2 with general upgrades to water and sewer at the owner's expense.

Council Member Rhonda Haight seconded the motion.

ROBBIE (X) MIKE (M) RHONDA (S)

All in favor. Motion passed.

Council Member Nathan Fitts arrived late.

- 3) Special land Use Permit / Short Term Rentals Request: Abigail Engles 529 East Second

Mayor Donna Whitener opened the Public Hearing

- a) Allow Applicant 10-Minuties to Present His or Her Case.

Abigail Engles came up to the podium to present. She stated it is her property and when she purchased it, she believed it was already zoned for R3 in the tax records. Mrs. Engles said she believed she would be approved after re applying. She stated the surrounding establishments are either commercial or short-term rental. She advised she works with Georgia Mountain Cabin Rental and the people she rents out to are 25 years and older, vetted by the company and makes the renters pay in advance.

Mrs. Engles said her plan is for her and her family to retire to Blue Ridge in four years and does not want to do anything that would leave a negative impact or footprint on the town.

Mrs. Engles advised how the property was listed for sale stated it was a peacefully furnished home that is an established vacation rental.

Council Member Rhonda Haight stated she saw the Sellers Property Disclosure and it stated on there that the buyer would have to reapply.

Council Member Nathan Fitts stated also on the Disclosure it says all information is deemed reliable but is not guaranteed. Council Member Mike Panter noted it also says no conditions and no restrictions.

- b) Allow Opposing Parties 10 Minutes Collectively to Present His or Her Case.

Richard Arnold came up to the podium to voice his opinions on the matter. Richard advised he makes his living off short-term rental management. He stated last time the property was turned down at a planning and zoning meeting and turned down at the city council meeting. He advised the owners had paid their taxes after renting it out for several months, which made a binding contract with the city, so the city had to come back and let them keep it as a short-term rental.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Mr. Arnold stated he believes every short-term rental special permit has been denied and would be setting a bad precedent if the city approves this one. He stated most of the residents in the city do not want the short-term rental.

Mayor Donna Whitener closed the Public Hearing.

c) Planning Commission Recommendation for First Public Hearing on December 7th, 2021.

Zoning, Land development, and Project Manager Jeff Stewart came up to give his recommendations. Jeff stated he did not have much to add other than the property has been rented all this time until it was sold. Mr. Stewart stated it is part of the ordinance it can be approved if the council voted for it. He stated nightly rentals are allowed in any commercial, C1, C2, CBD and M1, not in residential unless they have a special land use permit.

Council Member Rhonda Haight advised she visited the neighbor to this residence, unrelated to this, approximately two months ago and the neighbor voiced concerns about people constantly coming and going. They also have a fire pit in the back and would stay up late causing a disturbance for her. Mrs. Haight said based on that she does not agree with it being approved. Council Member Nathan Fitts stated the way he looks at it, is why do they set ordinances in place if they are not going to follow them. Mr. Fitts said he has been against it from the beginning. Mr. Fitts said if we are going to have the ordinance in place, we need to either follow it or don't have it at all.

Council Member Rhonda Haight stated the new incoming council has talked about adding to the ordinance so there is no variance. Mrs. Haight said she believes it is also putting more pressure on the zoning board when they come before them, because the ordinance states short-term rentals are not allowed in residential. Mrs. Haight stated she wants to protect the residential areas.

Zoning, Land Development, and Project Manager Jeff Stewart said having the special land use permit that people can apply for is giving false hope. He stated he would agree to change the ordinance.

Council Member Rhonda Haight made a motion to deny the special land request.

Council Member Nathan Fitts seconded the motion.

ROBBIE (NO) MIKE (X) NATHAN (S) RHONDA (M)

3-1. Motion passed to deny permit.

4) GDOT Hothouse Creek water line project – BH

Mayor Donna Whitener advised this is a water line that needs to be relocated. Mayor Whitener explained this is a project that can be put out for bid under the bid amount. Mayor Whitener said the time frame has continued to be pushed out so they may have time go through a bid process if wanted. Mayor Whitener stated it would probably be under \$100,000 dollars but could also get three quotes if preferred. Mayor Whitener said the task release for Carter and Slope has already been approved for this project, so the final plans are ready there just needs to be a decision on if the project will be put out for bid or just take three quotes.



# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Council Member Rhonda Haight asked if they were certain the project would be under the \$100,000 dollars. Mrs. Haight stated this project need to be completed since it has already been pushed out several times.

Mayor Donna Whitener stated the council has not pushed it off, GDOT pushed it out and she believes it will not start in January. Mayor Whitener said even if the money is let in January, the project will not start until June or July.

Council Member Rhonda Haight stated she believed Matt said the project would start in January. Mayor Whitener stated if the money is let that does not mean they are ready to write a check, it just means the money is allocated.

Mayor Donna Whitener said GDOT has moved and changed the project several times. Mayor Whitener said it is up to you (Rhonda) if you want to try and bid it out or get three quotes.

Council Member Rhonda Haight stated she would prefer to bid it out to make sure if it does happen to be over \$100,000 dollars since they need it done, or the water lines will be under concrete.

Zoning, Land Development, and Project Manager Jeff Stewart mentioned the process will be longer if it is put out for procurement. Council Member Rhonda Haight stated Mayor Whitener seems to think the project will not start in January, so by putting it out for procurement they are safeguarding the \$100,000 dollars. Mayor Donna Whitener stated it could always be changed in January with the new council, but at least this will start the process.

Mayor Whitener clarified for the new council and audience that this project is to move a water line because most every bridge in the stated of Georgia is being replaced or repaired. Mayor Whitener said the State of Georgia was not sure with the pandemic about the funding they would have so they moved a lot of the projects out.

Mayor Whitener stated the engineering has been done and the council has approved it and now the decision needs to be made on if they are going to bid the project out or get three quotes.

Council Member Nathan Fitts made a motion to put the GDOT PI642170 out for a bid.

Council Member Rhonda Haight seconded the motion.

ROBBIE (X) MIKE (X) NATHAN (M) RHONDA (S)

All in favor. Motion passed.

## 5) ETC Service Agreement Renewal – DW

Mayor Donna Whitener explained she had mentioned this to Court Clerk/ Office Manager Barbie Gerald and thought we were renting our system, but decided it was purchased. Mayor Whitener stated she did not know if the new council would want to renew the contract or get quotes. Mayor Whitener said she believes the systems were brand new last year or the year before.

Mayor Whitener said they could look at changing if wanted or to stay with ETC, which gives a 25% discount.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Council Member Nathan Fitts asked if it could wait 30 days and maybe the new council could work on new quotes.

Mayor Whitener advised the contract covers all the city buildings. Mayor Whitener stated she does not think ETC is going to disconnect the service to receive the discount, so if they want to wait and let the new council vote. Council Member Nathan Fitts stated he thinks the new council should have time to review and discuss what options they have.

Mayor Donna Whitener stated her suggestion would be to table this.

Council Member Nathan Fitts made a motion to table the ETC Service Agreement.

Council Member Mike Panter seconded the motion.

ROBBIE (X) MIKE (S) NATHAN (M) RHONDA (X)

All in favor. Motion passed.

## 6) Water Plant Surveillance System – BH

Mayor Donna Whitener advised they received two quotes for surveillance systems, and they are very different in cost. One is \$24,257.00 and the other one is \$8,251.70.

Mayor Whitener suggested to pass to the next council, because one of the newly elected council members is an expert in this technology. Mayor Whitener said there are currently cameras at the water plant that are operational.

Council Member Rhonda Haight said she is fine with tabling this for the next council because they have also discussed with the new council who will be monitoring the security as well.

Council Member Nathan Fitts made a motion to table the security and surveillance estimates at the water plant.

Council Member Mike Panter seconded the motion.

ROBBIE (X) MIKE (S) NATHAN (M) RHONDA (X)

All in favor. Motion passed.

## 7) Budgeted Cost of Living Raises – DW

Mayor Donna Whitener advised they had budgeted four percent for the cost of living raises.

Mayor Whitener stated she heard on the news where the cost of living is approximately five or six percent, but it was already budgeted as four percent and would start with the January payroll.

Mayor Whitener stated she recommend they go ahead and pass the four percent since it was already budgeted and if the new council wants to up the raise, it would be up to them.

Council Member Mike Panter made a motion to approve the budgeted four percent raises to all employees.

Council Member Nathan Fitts seconded the motion.

ROBBIE (X) MIKE (M) NATHAN (S) RHONDA (X)

All in favor. Motion passed.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

## 8) FEMA Determination Memo – DW

Mayor Whitener explained this is regarding the project on Bullen Gap. She stated FEMA said they are not going to be paying a portion of the project. Mayor Whitener said the water line was on the edge of the road and not the center. Mayor Whitener stated we had lost the edge of the road, so we had to put the water line back to the center. She advised they also had other issues on that road, so we went ahead and paved it.

Mayor Whitener stated FEMA is not going to pave anything from Mountain Tops to the line so there needs to be an appeal when the new council comes in.

Council Member Rhonda Haight stated the new council has already been working on this and she believes what happened is the road was paved beyond the scope of the work. Mrs. Haight said the FEMA area was up until Mountain Tops and the road was paved beyond that.

Council Member Rhonda Haight advised she spoke with previous Financial Advisor Alicia Stewart and what should have been done was the remainder of the road should have gone through our purchasing policy. Mrs. Haight advised what happened was FEMA came in and said we put approximately \$300,000 dollars into paving, and they would give the money up until as certain point. Mrs. Haight stated they should have never turned in the rest of it since it was non-FEMA related.

Council Member Rhonda Haight stated Johnson paving gave the original submitted, which included all work done and the council will send back along with the appeal the part that was not included in the FEMA, which was the \$25,000 dollars, which should have not been turned in to begin with because it was not part of the natural disaster area.

Council Member Mike Panter asked if the restructuring of the water lines is included. Council Member Rhonda Haight stated no, the water lines were included in the original, and only went to Mountain Tops entrance. Mrs. Haight stated they have already been reimbursed for the \$65,000 on that. She stated what is being disputed is the paving bill because we went beyond the scope of where the natural disaster occurred.

Mayor Donna Whitener stated it should have been two separate invoices from Johnson paving. Council Member Rhonda Haight stated FEMA was requesting supporting documents where the paving was done, and the only thing sent back from the City stated the area paved was correct. Mrs. Haight stated the dispute stated the applicant confirmed that this is correct, FEMA also requested maintenance records which the applicant stated there is none.

Mayor Donna Whitener stated Street Supervisor Tony Bird kept up with the maintenance records. Council Member Rhonda Haight stated Street Supervisor Tony Byrd was not involved in this project, it was Zoning, Land Development, and Project Manager Jeff Stewart and Mayor Whitener.

Council Member Rhonda Haight said Finance Director Michael Richardson will be working on the appeal and will submit it to the before the deadline in January.

## 9) Sublease/ Blue Ridge Scenic Railway – DW

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Mayor Donna Whitener said while talking to the Chamber, the railroad and the bicycle company had already spoke and they had not. Mayor Whitener suggested for all companies to speak regarding this since the bicycle company is wanting to lease a portion of the caboose. Mayor Whitener suggested this item be tabled for the new council.

Council Member Rhonda Haight stated she has been in contact with all of them and they are fine with it. Mrs. Haight said they are subleasing the caboose and they are going to offer a space to them so they can have a ticket area.

Mayor Donna Whitener asked Council Member Rhonda Haight who she spoke with at the chamber that agreed. Council Member Rhonda Haight advised she spoke with Christy and Mike at the Chamber. Mrs. Haight stated she believed they did not have a problem with this unless they told Mayor Whitener differently.

Mayor Donna Whitener stated she believes all companies would like to meet with the Council to discuss.

Council Member Nathan Fitts made a motion to table the Sublease.

Council Member Mike Panter seconded the motion.

ROBBIE (X) MIKE (S) NATHAN (M) RHONDA (X)

All in favor. Motion passed.

## 10) Resolution to adopt Hazard Mitigation Plan – AM

City Clerk Amy Mintz advised she has been in contact with Robert Graham who stated most changes to the Mitigation Plan was in the mitigation's actions.

Council Member Rhonda Haight stated this is something that does need to be completed because we can not get FEMA funding unless it is in place, so we need to reactivate this and do a resolution. Mrs. Haight said Robert Graham advised the only changes came from the population, stakeholders and what they would consider high risk areas.

Council Member Rhonda Haight made a motion to approve the resolution to accept Hazard Mitigation Plan.

Council Member Mike Panter seconded the motion.

Mayor Donna Whitener read the Hazard Mitigation Plan Resolution (attached to minutes)

Council Member made a motion to approve the resolution to accepting the Fannin County Hazard Mitigation Plan.

Council Member Nathan Fitts seconded the motion.

ROBBIE (X) MIKE (X) NATHAN (S) RHONDA (M)

All in favor. Motion passed.

## 11) Robbman Scott Kiker and Wellington Ford 200 West 1<sup>st</sup> Street

Council Member Rhonda Haight stated at the last meeting they asked to get a legal opinion regarding the development and the opinion came in last Thursday and was sent out to all current and new council members.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Council Member Mike Panter stated the legal opinion came in on the 15<sup>th</sup> and the same attorney applied for the City Attorney position on the 16<sup>th</sup>, and he believes that is a conflict of interest.

Council Member Rhonda Haight stated she did not think it is a conflict of interest, and believes he is very qualified and would be prepared on this case.

Council Member Rhonda Haight read the legal opinion sent from Smith Conerly. (Attached to minutes). Mrs. Haight stated the Attorneys opinion is they are not grandfathered in and are many reasons as to why they are not. Mrs. Haight said one of the reasons being they do not grandfather things according to the ordinance.

Mrs. Haight stated the Attorney has provided factual background, legal analysis, and his opinion (five-page document) is they should adhere to the 35-foot height requirement.

Council Member Mike Panter stated he also has an opinion dated December 15<sup>th</sup> from Attorney James Balli and asked if Council members would like a copy.

Council Member Nathan Fitts stated no, he has seen the letter and disagrees. Council member Mike Panter asked Council Member Nathan Fitts if he had seen the letter dated December 15<sup>th</sup> and addressed to him. Council Member Rhonda Haight stated the letter was not sent out to the rest of the council members.

Council Member Nathan Fitts asked why the City Attorney would only send the opinion to Council Member Mike Panter and not the rest of the council.

Council Member Nathan Fitts stated policy says if one thing is sent to one council member it is sent to all council members.

Council Member Mike Panter read the legal opinion sent from James Balli. (Attached to minutes)

Council Member Nathan Fitts stated he believes they never received an answer on why Mr. Balli made a decision based on the city council when the city council did not vote on anything. Council Member Rhonda Haight stated she was not going to discuss this item long and made a motion, based on the legal opinion of Smith and Conerly, the Robbman Scott Kiker and Wellington Ford property located at 200 West First Street be denied a building permit for a 60-foot building, which did fit previous zoning, and follow the 35-foot ordinance that is currently in place as per the CBD zoning. Mrs. Haight said they will come back to the council as the planning commission recommended and submit final plans that meet these requirements. Council Member Nathan Fitts seconded the motion.

The Attorney for the Kiker property stated that is a garbage legal opinion.

Mayor Donna Whitener stated it also says in the legal opinion from Smith Conerly that if his understanding of the operative facts is incorrect it could affect the legal analysis set forth. Council Member Rhonda Haight stated she is willing to chance it, because the city is worth fighting for.

Mayor Donna Whitener asked the Attorney for the Kiker property if he would like to speak.

Council Member Rhonda Haight stated the Attorney has had his chance to speak when he came

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

to the Council Meeting for the public hearing. Mrs. Haight stated she has made a motion and there is a second.

Mayor Donna Whitener stated she is still the mayor and can ask if the Attorney would like to speak.

Mayor Donna Whitener stated they have a first and second so there is discussion.

Mayor Donna Whitener asked Council Member Rhonda Haight to restate her motion.

Council Member Rhonda Haight made a motion, based on the legal opinion of Smith and Conerly, the Robbman Scott Kiker and Wellington Ford property located at 200 West First Street be denied a building permit for a 60-foot building, which fit the previous zoning ordinance, with that they will follow the 35-foot ordinance that is currently in place as per their CBD zoning. Mrs. Haight said they will come back to the council as the planning commission recommended and submit final plans that meet these requirements prior to receiving a building permit.

The Kiker Attorney stated that Georgia Law requires him to preserve constitutional challenges, so he needs to raise them now if he is going to raise them later. He stated there already were issues of abuse of discretion, arbitrary and capricious action, and the fact they are basing this off a reading of a legal opinion on a standard that requires a factual application, the reason that judges and juries exist to begin with, when there is not a chance that the Attorney had any information that applies to those standards.

The Attorney stated his understanding was the council was going to get a legal opinion and he was going to have a chance tonight to speak on it. He stated for the purposes of the city councils' actions, he wants to reserve right now that if the city council decides to deny this permit based on the legal opinion, those are the constitutional challenges of that action are abuse of discretion, arbitrary and capricious action, giving a domain and taking without just compensation.

The council stated they are ready to vote.

Council Member Robbie Cornelius stated she does not agree with Council Members Rhonda Haight and Nathan Fitts.

Council Member Rhonda Haight clarified she is stating no, it should be 35-foot and not 60-foot.

Council Member Mike Panter stated he is saying yes, it should be exactly the way it was approved by the planning and zoning and the council.

Council Member Rhonda Haight stated it was never approved to begin with.

Council Member Mike Panter advised he is going based off City Attorney James Ballis' opinion.

Council Member Rhonda Haight wanted to clarify that Council Members Robbie Cornelius and Mike Panter are stating the building to be 60-feet.

Council Member Rhonda Haight stated in the summary of intent for rezoning submitted by Scott Kiker, which was not done correctly and believes it could be appealed, one partner who has 25% interest did not sign the agreement. Mrs. Haight stated everyone on the deed has to

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

sign, if it is an LLC, you must submit a resolution showing who has authority to sign. She stated the first issue goes back to the beginning, and believes the zoning was not done correctly.

Council Member Rhonda Haight stated it is in her opinion that this is an invalid zoning because the partner did not sign the zoning request. Mrs. Haight stated it goes on to say the proposed use is condominiums, three stories and is why the planning commission wanted him to come back to the council because of the ambiguous plans.

The Attorney stated at the Planning commission meeting they stated parking plus four.

Council Member Rhonda Haight stated the entire zoning application was done incorrectly from the beginnings and questions if it was truly rezoned if done incorrectly.

Council Member Rhonda Haight stated her vote is no, they should have to follow the 35-foot.

Mayor Donna Whitener stated she heard from the audience and is hearing rumors that people are willing to pay them off to go away. Mayor Whitener asked the Attorney how much they are currently at with this project. The Attorney stated they are at 21 million dollars currently for this project.

Mayor Donna Whitener stated she listened to the planning and zoning commission and John Suave made a comment that this will be a good fit and the gateway to the City of Blue Ridge.

Council Member Rhonda Haight stated at three stories, which is on his application, let it be the gateway and come in.

Council Member Rhonda Haight stated they have two Council Members saying no and two yeses and that leaves Mayor Donna Whitener to have the deciding vote.

Mayor Donna Whitener advised the town does have the infrastructure.

Mayor Donna Whitener stated to pass it for their zoning and plans.

Council Member Rhonda Haight stated there are no renderings and have been no final elevations.

Mayor Donna Whitener stated to move on to purchasing approvals.

## **Purchasing Approvals:**

### **12) Go Green Spray Foam (Depot) – NF**

Council Member Nathan Fitts made a motion to approve in the amount of \$3,570.75.

Council Member Mike Panter seconded the motion.

ROBBIE (X) MIKE (S) NATHAN (M) RHONDA (X)

All in favor. Motion passed.

### **13) Carter & Sloope – Invoice numbers 25822 and 25819 – BH**

Council Member made a motion to approve invoice 25822 in the amount of \$7,675.00 and invoice 25819 in the amount of \$4,530.00.

Council Member Mike Panter seconded the motion.

ROBBIE (X) MIKE (S) NATHAN (M) RHONDA (X)

All in favor. Motion passed.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

## 14) Stites Road (paving quotes) – JS

Mayor Donna Whitener advised at mineral springs park there is a road that goes around the back side that the county owns part and now the city owns part of it. Mayor Whitener stated this road is heavily traveled within the city. Mayor Whitener stated the County owns part of the road and paved it a few years back. Mayor Whitener stated a lot of the school buses use the road.

Zoning and land development Jeff Stewart stated the city would pave up to where the County started and would finish it out.

Council Member Rhonda Haight stated Street Supervisor Tony Byrd and herself went out and look at it and she is fine with paving it. Mrs. Haight advised there are also three other city roads that she would like to have paved as well. Mrs. Haight stated they have been putting money into those with gravel and fixing potholes.

Mrs. Haight said she does not have a problem with paving Stites road but thinks the city needs to pave the others as well.

Street Supervisor Tony Byrd stated the other roads needing paved will be Wilson Street, Waldrop, Card Lane, and the access road to the water plant.

Council Member Mike Panter stated Card Lane is not a city street. Council Member Rhonda Haight stated it is a city street and has a public city sign.

Street Supervisor Tony Byrd stated he pulled the plat, and it is a city street. Council Member Rhonda Haight stated if it is determined to not be a city street, they will take it off the list.

Council Member Rhonda Haight made a motion to approve the paving of Stites Road and use Johnson Paving in the amount of \$23,219.65

Council Member Nathan Fitts seconded the motion.

ROBBIE (X) MIKE (X) NATHAN (S) RHONDA (M)

All in favor. Motion passed.

## 15) Mountain Tops Pump Station Emergency Repair Ratification – BH

Mayor Donna Whitener explained it is a pump station emergency repair and just needs to be ratified. Mayor Whitener stated she did not believe we have received quotes for the repair yet.

Zoning and Land Development Jeff Stewart advised Utility Director Rebecca Harkins said they are still working on getting the quotes and repairs done.

Mayor Donna Whitener stated this will need to be tabled for the next council. Mayor Whitener said there are pictures of the leak and since the workstations are so old, they must have a lot of work done. Mayor Whitener stated they may need to consider this a big project, especially once they do the water lines in there.

Council Member Mike Pater made a motion to table this until the next council.

Council Member Nathan Fitts seconded the motion.



# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

## 16) Replacement for gutters on Baugh House – JS

Zoning and land development Jeff Stewart stated he has been working on this for several months. Jeff advised the gutters and down spouts are old on the house and need replacement. He stated he received two quotes and one is significantly higher than the other. The higher quote of the two is for galvalume gutters, which is what they have now, and the other quote is to replace them with traditional gutters.

Mayor Donna Whitener asked if any of the council members knew if the Baugh house was on the historical registry, and if so, the gutters will have to be kept the same as they have it now. Mayor Whitener suggested this item be tabled to give time to check if the Baugh house is on the historical registry.

Council Member Mike Panter made a motion to table.

Council Member Nathan Fitts seconded the motion.

ROBBIE (X) MIKE (M) NATHAN (S) RHONDA (X)

All in favor. Motion passed.

## 17) Dye Electric Invoices – MR

Finance Director Michael Richardson came up to the podium to speak on this issue. Mr. Richardson explained in late November we received 27 invoices from Mr. Dye dating back from work performed in 2010 through 2021. Michael stated he has talked with department heads and was able to verify as much as he could, that the work was requested by the city and performed.

Mr. Richardson stated according to accounting principles, you are supposed to report expenses in the period in which they occurred in and is not possible for \$35,000 of the \$38,000 since they predate 2021. Mr. Richardson said he met with Mr. Dye regarding this and asked why we were just now receiving the invoices and Mr. Dye explained his workload exceeded his capacity.

Council Member Rhonda Haight stated we have been paying him periodically for work done, but never submitted these invoices.

Finance Director Michael Richardson stated he researched the statute of limitations for billing, and it is six years.

Council Member Rhonda Haight explained at the end of each year they do a final ratification of the budget and they have been finalized for years and believes this is irresponsible to not turn in invoices. Mrs. Haight stated this creates an issue on many levels, since those budgets have already been finalized, the expenses will come out of the new budget.

Council Member Mike Panter stated Mr. Dye has done work for him in the past and has always had the issue of not turning invoices in on time.

Mayor Donna Whitener asked Mr. Richardson if any of the department heads said some of the invoices should have not been billed. Council Member Rhonda Haight stated the majority of the invoices were done by Mayor Whitener, and some done over budget and not turned in. Mrs.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Haight stated Court Clerk/ Office Manager Barbie Gerald had signed some stating she knew the work was done but was not at her request.

Mr. Ricardson stated he spoke with Mr. Dye regarding the invoices and stated the invoices received is the total of what he intended to bill the city for work done. Mr. Richardson stated he believes there should be a time frame in which Mr. Dye has to submit his invoices for work done.

Council Member Rhonda Haight stated she does not feel comfortable paying the invoices and would prefer to speak to an attorney and table this issue.

Council Member Mike Panter stated his recommendation is to pay him up until the six years. Finance Director Michael Richardson stated the only issue is most of the dates for the invoices were estimate by employees from their recollection.

Council Member Nathan Fitts stated he does not feel comfortable with voting on it and spending taxpayers' money.

Council Member Rhonda Haight stated she would like to get an Attorney's opinion before they vote to pay him for the six years.

Council Member Nathan Fitts made a motion to pay Mr. Dye for the last six years of invoices immediately.

Council Member Rhonda Haight seconded the motion.

ROBBIE (X) MIKE (X) NATHAN (M) RHONDA (S)

All in favor. Motion passed to pay Mr. Dye for past six years of invoices totaling in \$28,995.44.

## Executive Session (if needed)

Not needed.

## Adjournment

Council Member Mike Panter made a motion to adjourn the meeting.

Council Member Rhonda Haight seconded the motion.

All in favor.

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Mayor, Rhonda Haight

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Approved

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City Clerk, Amy Mintz

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Public Hearing  
December 21, 2021  
4:00 p.m.  
Blue Ridge City Hall

## MINUTES

Present:

Mayor Pro-tem: Rhonda Haight

City Clerk: Amy Mintz

### Prayer and Pledge of Allegiance

Mayor Pro-tem Rhonda Haight lead the Prayer and Pledge of Allegiance.

### Open Public Hearing

Mayor Pro-tem Rhonda Haight opened the Public Hearing.

#### 1) Present the process and timeline for the Joint Comprehensive Plan for 2022

Mayor Pro-tem Rhonda Haight stated this is a Public Hearing to go over the Fannin County Joint Comprehensive Plan.

Juliann Meadows with the Northwest Regional Commission came up to the podium to explain the Plan and the timeline. She stated she will be working with the City of Blue Ridge, Fannin County, and each Municipality on updating the Comprehensive Plan. She stated the Georgia Planning act of 1989 requires each local government in Georgia to prepare and update its comprehensive plan and allows each local government to maintain its qualified local government status.

Ms. Meadows stated the Northwest Regional Commission works closely with the city to update the plan at no cost to the community, since they are funded by the state. She stated to meet the deadline of October 2022, we will go through a public process, finding stakeholder within the community, and will holding meeting that will be open to the public.

Mayor Pro-tem Rhonda Haight stated in January there will need to be a report of accomplishments finished.

Mayor Pro-tem Rhonda Haight read off the Comprehensive plan deadlines. (Attached to supporting documents.)

Mrs. Haight stated this process will allow the city to receive grants from the state.

### Close Public Hearing

Mayor Pro-tem closed the public hearing.

# City of Blue Ridge

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480 West First Street • Blue Ridge, Georgia • (706) 632-2091

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Mayor, Rhonda Haight

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Approved

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City Clerk, Amy Mintz

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

## City Council Meeting

January 18, 2022

5:00 p.m.

Blue Ridge City Hall

## MINUTES

### Present:

Mayor: Rhonda Haight

Council Members: Bill Bivins, Christy Kay, Jack Taylor, Angie Arp, William Whaley

Attorney: Chuck Conerly

Park Supervisor: Tony Byrd

Finance and Human Resource Director: Michael Richardson

City Clerk: Amy Mintz

### 1) City Clerk Call Meeting to Order

City Clerk Amy Mintz called meeting to order at 5:00pm

### 2) Prayer and Pledge of Allegiance

David Haight JR led the prayer and Pledge of Allegiance.

### 3) Oaths of Office for Mayor and Council Members

City Clerk Amy Mintz administered the Oaths of Office to Mayor and Council Members.

### 4) Approval of Minutes from Previous Meeting

#### a) December 21, 2021 (Council Meeting)

#### b) December 21, 2021 (Public Hearing)

Mayor Rhonda Haight suggested to table the minutes to give the council time to review.

Council Member William Whaley moved to table the approval of the minutes of the meetings, until they have been corrected.

Council Member Jack Taylor seconded.

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

All in favor.

Minutes for both meetings tabled.

### 5) Approval of Agenda or Motion to Amend Agenda (if applicable)

Mayor Rhonda Haight asked to amend the agenda to remove item #9 – Water Plant Surveillance System, Patrice Johnston from public comment and Item #11 – Executive Parking Contact Termination. Mayor Haight stated add Hot House Bid Award, and the Municode Ordinance.

Council Member William Whaley moved to approve the agenda modifications.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Council Member Jack Taylor seconded the motion.

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

All in favor.

## **Public Comments (for all speakers who have signed up the previous week):**

### 1) Monthly Downtown Development Authority Update

Cesar Martinez stated the next DDA meeting will be held on February 7<sup>th</sup> and is normally meeting where the Council would attend, but they currently do not have a chairman since his term ended on January 1<sup>st</sup>. Once the Council appoints new members the DDA will decide who to appoint as Chairman.

### 2) Monthly Blue Ridge Business Association Update

Cesar Martinez advised February 19<sup>th</sup> is the 11<sup>th</sup> annual Fire and Ice Chili cookoff festival.

### 3) Tom Fennell – Increase of Business License

Tom Fennell came to the podium and voiced concerns regarding the increase in business license and asked the council to consider lowering it to a reasonable price with adding small increases each year.

### 4) Patrice Johnston – Dogs in the City Park

Removed from agenda.

### 5) Donna Thompson – Development

Donna Thompson asked for her name to be removed from the agenda.

## **Action Agenda Items (Items requiring the approval of the Council):**

### 1) Mayor Pro Tempore Appointment

Council Member William Whaley moved to appoint Angie Arp.

Council Member Jack Taylor seconded.

WILLIAM (M) JACK (S) CHRISTY (X) BILL (X)

Council Member Angie Arp did not vote.

### 2) City Council Appointments (charter)

#### a) City Attorney

Council Member William Whaley moved to appoint Chuck Conerly.

Council Member Jack Taylor seconded.

Council Member William Whaley stated to include the application that was made in response to our request for applicants and the fee schedule, and other agreements that have been reached in the discussions with mayor.

Council Member Jack Taylor seconded the motion.

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

All in favor.

#### b) City Clerk

Mayor Rhonda Haight asked for a motion to appoint Amy Mintz as City Clerk.

Council Member Jack Taylor made a motion to appoint Amy Mintz.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Council Member William Whaley seconded.

WILLIAM (S) ANGIE (X) JACK (M) CHRISTY (X) BILL (X)

All in favor.

c) Police Chief

Mayor Rhonda Haight recommended Johnny Searce, who has served for many years, be reappointed.

Council Member William Whaley moved to appoint Johnny Searce.

Council Member Jack Taylor seconded.

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

All in favor.

d) City Treasurer

Mayor Rhonda Haight asked for a motion to approve Michael Richardson as City Treasurer.

Council Member William Whaley moved to approve.

Council Member Jack Taylor seconded.

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

All in favor.

e) Municipal Court Judge

Mayor Rhonda Haight recommended Robert Sneed, who has worked for the city for many years.

Council Member Jack Taylor made the motion.

Council Member William Whaley seconded.

WILLIAM (S) ANGIE (X) JACK (M) CHRISTY (X) BILL (X)

All in favor.

f) Levy Officer

Mayor Rhonda Haight recommended appointing Christina Mortimer.

Council Member Jack Taylor motioned to approve.

Council Member William Whaley seconded.

WILLIAM (S) ANGIE (X) JACK (M) CHRISTY (X) BILL (X)

All in favor.

3) Prosecuting Attorney of the Court Appointment

Mayor Rhonda Haight recommended appointing Joseph Hudson.

Council Member Jack Taylor motioned to approve.

Council Member William Whaley seconded.

WILLIAM (S) ANGIE (X) JACK (M) CHRISTY (X) BILL (X)

All in favor.

4) City Auditor Appointment

Mayor Rhonda Haight recommended to appoint Welch, Walker and Associates.

Council Member William Whaley moved to approve.

Council Member Jack Taylor seconded.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

All in favor.

## 5) Downtown Development Authority Appointments

Mayor Haight stated there are openings, one being appointed by the mayor.

Mayor Haight appointed Laura Ray.

Mayor Haight stated the next appointment is a member of the council to serve on the Board.

Council Member Jack Taylor made a motion to appoint Angie Arp.

Council Member William Whaley seconded.

Council Member Angie Arp asked to clarify the term. Mayor Haight stated it would be a four-year term. Council Member Angie Arp requested if the motion could be made for her to serve for one year and for Council Member Christy Kay to serve the three remaining years.

Council Member William Whaley moved to approve.

Council Member Jack Taylor seconded.

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

All in favor.

Mayor Rhonda Haight stated there is one more position and asked if the council would like to wait until next meeting to appoint the last position.

Council Member Christy Kay made a motion to appoint Andy Bowen.

Council Member Angie Arp seconded.

WILLIAM (X) ANGIE (S) JACK (X) CHRISTY (M) BILL (X)

All in favor.

DDA Appointments: Laura Ray, Andy Bowen, and Council Member Angie Arp for one year and Council Member Christy Kay for the remaining three.

## 6) Planning and Zoning Appointment

Mayor Rhonda Haight stated there is one opening that needs to be filled.

Council Member Jack Taylor made a motion to appoint Brian Higgins.

Council Member Angie Arp seconded.

WILLIAM (X) ANGIE (S) JACK (M) CHRISTY (X) BILL (NO)

4-1.

## 7) Council Meeting Rules of Procedures and Core Mission Statement

Council Member William Whaley advised he worked with Council Member Angie Arp on putting together a mission statement, a set of core values and have the Roberts rules of orders in their packets to maintain decorum and order during the meetings.

Council Member William Whaley read the core mission statement. (attached)

Council Member William Whaley stated they pledge not to conduct business behind the shield, will be open in everything the council does and will be accountable. Mr. Whaley stated they are here to make sure the city runs efficiently and to be a resource to help employees be economically successful and adhere to the core values and the mission statement.



# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Council Member William Whaley moved to approve the rules, the mission statement, and the way we are going to run the meetings.

Council Member Jack Taylor seconded.

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

All in favor.

## 8) ETC Service Agreement (tabled from last month)

Mayor Rhonda Haight stated she needed a motion to continue the Service Agreement with ETC.

Council Member Jack Taylor made a motion.

Council Member Bill Bivins seconded.

WILLIAM (X) ANGIE (X) JACK (M) CHRISTY (X) BILL (S)

All in favor.

## 9) Water Plant Surveillance System (tabled from last month)

Removed from the agenda due to not having quotes.

## 10) County Emergency Notification System Change – BH

Mayor Rhonda Haight stated the county is switching from Nixle to Hyper-Reach. Mayor Haight stated we need to adopt the resolution and approve the expenses, City of Blue Ridge contribution being \$1,380.00 per year for five years.

Council Member William Whaley explained this is a notification system that comes to your telephone and is held by the county.

Council Member William Whaley moved to approve the resolution and the expense for the five-year contract, annually renewing.

Council Member Jack Taylor seconded.

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

All in favor.

## 11) Executive Parking Contract Termination – RH

Removed from the agenda, due to receiving termination letter prior to the meeting. (attached)

## 12) Parking proceeds allocation-RH

Mayor Rhonda Haight stated the proceeds for the parking and Hotel-Motel have been going to the DDA and advised we will continue to give the Hotel-Motel to them but the proceeds for the parking will now go into the general fund to work on projects in the town.

Council Member William Whaley moved to approve.

Council Member Bill Bivins seconded.

WILLIAM (M) ANGIE (X) JACK (X) CHRISTY (X) BILL (S)

All in favor.

## **Purchasing Approvals:**

### 13) Replacement for gutters on Baugh House (tabled from last month) PO#28720

Mayor Rhonda Haight stated the Baugh House is on a Historic Registry.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Council Member William Whaley moved it approval and which it remain, Baugh house is historic, it's exactly what we said in our mission statement. We want to preserve it, and cost more to put up aesthetically appropriate gutters.

Council Member Jack Taylor seconded the motion.

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

Approved Andrew's Home Improvement for \$17,296.00.

## 14) 3<sup>rd</sup> Party Leak Detection Services – BH PO#29804

Mayor Rhonda Haight explained the company is going to be doing leak detection at mountaintops, which is the highest leak area. Mayor Haight advised the company has quoted for four different times but could approve it for eight different times for the leak detection services.

Mayor Haight stated the company will go into Mountain Tops or other areas where we have high water loss but can only do portions. If we become more aggressive, and do the eight times a year, it would double the price, but is in the budget to do so.

Council Member Bill Bivins stated there is approximately 38% of water leakage and approximately 50% of that comes from Mountain Tops, so his suggestion would be to double it.

Council Member Angie Arp asked once the leak is found they let us know, and then we replace the lines.

Mayor Rhonda Haight stated the company will let us know exactly how much leakage there is, what the problem is, and then we will send our crew in the replace the lines.

Council Member Bill Bivins motioned to approve doubling.

Council Member William Whaley seconded.

WILLIAM (S) ANGIE (X) JACK (S) CHRISTY (X) BILL (M)

Approved to double the original quote of four times a year at \$26,000.00 to eight times a year at \$52,000.00.

## 15) Lance Trucking – MR PO# 28729

Mayor Rhonda Haight stated this item went over the spending limit for the street department for rip rap and different freight materials.

Council Member William Whaley moved to approve.

Council Member Jack Taylor seconded.

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

Approved in the amount of \$6,512.10.

## 16) Pipe Inventory for Water Distribution – BH PO# 28721

Mayor Rhonda Haight stated this is for the hothouse creek project and will be awarding the bid right at \$99,000.00. The original project was approximated at \$170,000.00, so the city will be buying the materials for the project to help with the cost.

Mayor Haight stated there are two different quotes, the cheapest one being \$56,000.00, for two different types of piping.

Mayor Rhonda Haight recommended to go with the quote from Core & Main.

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Council Member Jack Taylor made a motion.

Council Member Angie Arp seconded.

WILLIAM (X) ANGIE (S) JACK (M) CHRISTY (X) BILL (X)

All in favor.

Approved Core & Main in the amount of \$56,322.00

## 17) Parking Kiosk

Mayor Rhonda Haight explained City Clerk Amy Mintz has sent out two emails waiting on quotes for a Kiosk, and the average cost for the one we have been looking at is approximately \$6,500.00. Mayor Haight asked the council to allocate a certain amount to go towards the Kiosk.

Council Member William Whaley stated to give the mayor the authority for \$10,000.00 for the infrastructure, Kiosk and whatever else may be needed, and to pursue and consult to do whatever it takes to make sure that this is done properly, and don't stumble because we have never done this before.

Council Member William Whaley made a motion.

Council Member Jack Taylor seconded.

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

All in favor.

Approved to allot Mayor Haight \$10,000.00 for kiosk, infrastructure and any other costs that arise.

## 18) SR 60 at Hothouse Creek Water Line Relocation – Added to the agenda PO# 28719

Mayor Rhonda Haight stated Carter and Sloope recommended to project be awarded to T. Stanco, Inc. at \$99,000.00 and the materials be at the city's expense.

Council Member William Whaley moved to approve the \$99,000.00 recommendation.

Council Member Jack Taylor seconded.

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

All in favor.

Approved T. Stanco, Inc. at \$99,000.00

## 19) Municode Ordinance – Added to the agenda

First reading of the ordinance. (attached)

Mayor Rhonda Haight explained the city has been working on this code for three years, combining our ordinances, and this will allow us to put a link on our website that will give the council and public access to all ordinances.

**Discussion Agenda Items (Items for discussion only):**

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

## Executive Session

Mayor Rhonda Haight asked for a motion to enter into executive session to discuss personnel and litigation.

Council Member Jack Taylor made the motion.

Council Member William Whaley seconded.

All in favor.

Entered into executive session at 5:45pm.

Mayor Rhonda Haight asked for a motion to come out of executive session.

Council Member Jack Taylor made the motion.

Council Member William Whaley seconded.

Came out of executive session at 6:36pm.

Attorney Chuck Conerly advised that the city has recently received an anti-litem notice from an Attorney representing a downtown property owner. He stated an anti-litem is not a lawsuit but a notice of the potential to file a lawsuit regarding the stormwater draining in the central business district. Attorney Chuck Conerly presented Resolution NO. BR2022-01 to place a six-month moratorium on the acceptance of land disturbance and building permit applications in the central business district while the issues for the stormwater management and runoff can be addressed.

Council Member William Whaley moved to approve.

Council Member Jack Taylor seconded.

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

All in favor.

Resolution NO. BR2022-01 passed.

Mayor Rhonda Haight asked for a motion for the City Administrator.

Council Member William Whaley moved to give the mayor the authority to offer the position to Richard Rose, within the parameters that were in the announcement of the position of City Manager.

Council Member Jack Taylor seconded.

WILLIAM (M) ANGIE (X) JACK (S) CHRISTY (X) BILL (X)

All in favor.

Approved for Mayor Rhonda Haight to offer the City Administrator position to Richard Rose.

Mayor Rhonda Haight advised there are two new employees for the Police Department to approve.

Council Member Jack Taylor made a motion to hire Michael Lutz at the rate of \$20.22 an hour and Brian Wingate at the same rate of \$20.22, also made a motion to make the 4% pay scale across the board.

# City of Blue Ridge

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480 West First Street • Blue Ridge, Georgia • (706) 632-2091

Council Member William Whaley seconded the motion.

WILLIAM (S) ANGIE (X) JACK (M) CHRISTY (X) BILL (X)

All in favor.

## Adjournment

Council Member William Whaley made a motion to adjourn.

Council Member Jack Taylor seconded.

All in favor.

Meeting adjourned at 6:43pm.

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Mayor, Rhonda Haight

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Approved

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City Clerk, Amy Mintz

(City seal)

# City of Blue Ridge

480 West First Street • Blue Ridge, Georgia • (706) 632-2091

## Special Called Meeting

January 26<sup>th</sup>, 2022

6:00 p.m.

Blue Ridge City Hall

### MINUTES

Present:

Mayor: Rhonda Haight

Council Members: Bill Bivins, Christy Kay, Jack Taylor, Angie Arp, and William Whaley

City Clerk: Amy Mintz

1) Call Meeting to Order

Mayor Rhonda Haight called meeting to order at 6:00 pm.

2) Prayer and Pledge of Allegiance

Council Member William Whaley led the prayer.

Mayor Rhonda Haight led the Pledge of Allegiance.

3) Approval of Minutes from Previous Meeting

None

4) Approval of Agenda or Motion to Amend Agenda (if applicable)

None

**Called Public Hearings (Rezoning or Appeals Authorized by Ordinance)**

None

**Consent Agenda (Multiply Items for Approval Set by the Mayor)**

None

**Action Agenda Items (Items requiring the approval of the Council):**

1) Award Bid for Depot Street and C&S Project

Mayor Haight recommended the project be awarded to Wilson Construction Management for \$259,788.97 for Depot Street and the C&S project for the railway. Mayor Haight stated we do not have part of an easement signed, so we are not able to do the backside of the project at this time, it will stop at the property line. A meeting is scheduled with Wojohn, his attorney, and the City Attorney on February 15, 2022, to discuss options. If that portion of the project is removed, it would be approximately \$45,000 to \$50,000.00 that will come off of the base price.

# City of Blue Ridge

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Mayor Rhonda Haight explained there were two projects that were approved by the previous council. One was Depot Street, where they will have to replace a series of drains due to the flooding issue in the area. The remainder of the project will be at the railroad tracks.

Council Member William Whaley moved to approve the bid.

Council Member Bill Bivins seconded.

WILLIAM (M) ANGIE (X) JACK (X) CHRISTY (X) BILL (S)

Approved bid of \$259,788.97

## 2) 2<sup>nd</sup> reading of Municode Ordinance

Mayor Rhonda Haight read Ordinance BR2022-03.

Council Member William Whaley moved to adopt the ordinance.

Council Member Angie Arp seconded.

WILLIAM (M) ANGIE (S) JACK (X) CHRISTY (X) BILL (X)

Ordinance BR2022-03 enacted.

## 3) Hiring of City Administrator

Mayor Rhonda Haight recommended Eric M. Soroka for the position at a salary of \$70,000.00 per year, with no provision health benefits. Mayor Haight stated he would work 30 hours a week, in office and would be attending council meetings as well.

Council Member Jack Taylor made a motion to hire Eric M. Soroka as City Administrator.

Council Member William Whaley seconded.

WILLIAM (S) ANGIE (X) JACK (M) CHRISTY (X) BILL (X)

Eric M. Soroka hired as City Administrator at \$70,000.00 a year.

## **Discussion Agenda Items (Items for discussion only):**

None

## **Reports**

None

## **Public Comments**

None

## Adjournment

Council Member William Whaley moved to adjourn the meeting.

Council Member Angie Arp seconded.

All in favor.

Meeting adjourned at 6:15 pm.

# City of Blue Ridge

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480 West First Street • Blue Ridge, Georgia • (706) 632-2091

---

Mayor, Rhonda Haight

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Approved

---

City Clerk, Amy Mintz

(city seal)



## City Council Meeting Agenda Submittal

MEETING DATE: 2/15/2022

AGENDA NO: 5a.

### AGENDA ITEM:

AN ORDINANCE TO AMEND CHAPTER 2 ("ADMINISTRATION") ARTICLE III ("DEPARTMENTS, BOARDS AND COMMISSIONS") DIVISION 7 ("CITY PLANNING COMMISSION") OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA TO CHANGE THE MANNER BY WHICH MEMBERS OF THE PLANNING COMMISSION ARE APPOINTED (FIRST READING)

### BACKGROUND:

This Ordinance corrects an inconsistency in the terms of members appointed to the City Planning Commission that existed when the City Charter was amended to stagger the terms of City Council members. The Ordinance states at its March 2022 meeting, the City Council shall appoint five members to the Planning Commission as follows: 2 members shall serve a 2 year term expiring on December 21, 2023 or until their successor has been appointed and 3 members shall serve a 4 year term that expires on December 31, 2025 or until their successor has been appointed. Thereafter, members shall service four year terms. At the March 2022 meeting, existing members may continue to serve if duly appointed by the City Council.


### RECOMMENDATION:

It is recommended that the City Council enact the attached Ordinance.

### ATTACHMENT (S):

Ordinance No. BR2022-4

APPROVED:



\_\_\_\_\_

Mayor



\_\_\_\_\_

City Administrator

FIRST READING \_\_\_\_\_

SECOND READING \_\_\_\_\_

PASSED \_\_\_\_\_

**AN ORDINANCE NO. BR2022-04**

**AN ORDINANCE TO AMEND CHAPTER 2 (“ADMINISTRATION”), ARTICLE III (“DEPARTMENTS, BOARDS AND COMMISSIONS”), DIVISION 7 (“CITY PLANNING COMMISSION”) OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA TO CHANGE THE MANNER BY WHICH MEMBERS OF THE PLANNING COMMISSION ARE APPOINTED; TO APPOINT A NEW PLANNING COMMISSION; TO PROVIDE FOR THE TERMS OF THE NEW PLANNING COMMISSION; TO CLARIFY THE QUALIFICATIONS TO SERVE ON THE PLANNING COMMISSION; TO REPEAL CERTAIN INCONSISTENT AND REDUNDANT PROVISIONS IN THE CODE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Blue Ridge, Georgia, previously created and established the City Planning Commission;

**WHEREAS**, the appointment and qualifications of members of the City Planning Commission and the powers and duties of the City Planning Commission are generally set forth in Chapter 2 (“Administration”), Article III (“Departments, Boards and Commissions”), Division 7 (“City Planning Commission”) of the Code of the City of Blue Ridge, Georgia; and

**WHEREAS**, the City Council of the City of Blue Ridge, Georgia, finds that it is in the best interest of the City and its citizens to change the manner by which members of the planning commission are appointed, to appoint a new planning commission, to provide for the terms of the new planning commission, to clarify the qualifications to serve on the planning commission, and to repeal certain inconsistent and redundant provisions in the Code.

**NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED** by the authority of the City Charter and general law, that Chapter 2 (“Administration”), Article III (“Departments, Boards and Commissions”), Division 7 (“City Planning Commission”) of the Code of the City of Blue Ridge, Georgia, is hereby amended to read as follows:

**SECTION 1.**

**AMENDMENT TO CHAPTER 2  
 (“ADMINISTRATION”), ARTICLE III  
 (“DEPARTMENTS, BOARDS AND  
 COMMISSIONS”), DIVISION 7 (“CITY PLANNING  
 COMMISSION”)**

Chapter 2 (“Administration”), Article III (“Departments, Boards and Commissions”),

Division 7 (“City Planning Commission”) is hereby amended to read as follows:

#### DIVISION 7. CITY PLANNING COMMISSION

##### **Sec. 2-213. Authority for establishment.**

The city planning commission, hereinafter referred to as the planning commission, is created and established as authorized by the city Charter, Ga. Const. art. 9, § 2, ¶ IV, O.C.G.A. §§ 36-66-1 et seq., 36-70-1 et seq., and other applicable laws.

(Ord. No. 2018-05-08(1), § 1(31.090), 5-18-2018)

##### **Sec. 2-214. Creation and membership.**

The planning commission shall consist of five members who shall be at least 21 years of age, of good moral character and residents of the city or the county. Each member of the planning commission shall be appointed by affirmative and majority vote of the city council as set forth in the city Charter. At its March, 2022 regular meeting, the city council shall appoint five new members to the planning commission, replacing the existing planning commission (although existing members may continue to serve if duly appointed by the city council as set forth herein). Two of the five members shall serve initial two-year terms that expire on December 31, 2023 or until their successor has been appointed. Three of the five members shall serve initial four-year terms that expire on December 31, 2025 or until their successor has been appointed. Thereafter, each member of the planning commission shall serve four-year terms. Vacancies upon the planning commission shall be filled in the same manner as the original appointment for the unexpired term of the member. There shall be no compensation for members of the planning commission, but they shall receive reimbursement of reasonable and necessary expenses incurred in the performance of their duties if the prior approval of such expenses is made by the mayor or the mayor's designee. Any member of the planning commission may also serve upon the board of zoning appeals. Notwithstanding the foregoing regarding the terms of the members of the planning commission, each member serves upon the planning commission at the pleasure of the city council, and the city council shall have the full and complete right to remove any member of the planning commission at any time, for any reason, or for no reason. With the costs paid for by the city, all members shall be required to attend reasonable training regarding their duties while serving on the planning commission.

(Ord. No. 2018-05-08(1), § 1(31.091), 5-18-2018)

##### **Sec. 2-215. Organization; rules of procedure.**

The planning commission shall elect its chairperson from among its members who shall serve for one year or until he is re-elected or a successor is elected. The planning commission shall appoint a secretary, who may be an employee of the city. Meetings shall be held regularly each month and at such other times as the planning commission may decide provided, however, no meeting shall be scheduled to begin later than 6:00 p.m. The meetings may be cancelled by the mayor or the chairperson if there are not matters to be acted upon by the planning commission. The planning commission shall keep minutes of its proceedings, showing the vote of each member upon each question before it, absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office

of the zoning administrator and shall be a public record. Subject to approval by the city attorney, the planning commission may adopt bylaws or its own rules of procedure, but said rules of procedure shall comply with the requirements of state law regarding zoning matters as set forth at O.C.G.A. § 36-66-1 et seq. Meetings of the planning commission shall comply with the Open Meetings Act under state law. Three members of the planning commission shall constitute a quorum. A majority of the quorum present in a meeting of the planning commission may take action on any matter before it. A voting decision resulting in a tie vote shall cause the matter to be forwarded to the mayor and city council as a finding of no recommendation and shall not be a recommendation of denial or approval.

(Ord. No. 2018-05-08(1), § 1(13.092), 5-18-2018; Ord. No. 2018-09-11(3), § 1, 9-11-2018)

**Sec. 2-216. Staff and finances.**

The mayor and council shall provide such staff and finances as the mayor and council deem necessary for the orderly operation of the planning commission. The staff provided for the planning commission may be the same consultants and employees provided for the zoning board of appeals and which regularly handle the administrative matters regarding zoning for the city.

(Ord. No. 2018-05-08(1), § 1(13.093), 5-18-2018)

**Sec. 2-217. Powers and duties.**

The planning commission shall have all the powers, duties and responsibilities to hold hearings and issue recommendations as set forth in section 140-667, and consistent with Ga. Const. art. 9, § 2, ¶ IV, O.C.G.A. §§ 36-66-1 et seq., 36-70-1 et seq., and other applicable laws.

(Ord. No. 2018-05-08(1), § 1(13.094), 5-18-2018)

**Sec. 2-218. Qualifications of members.**

No member of the planning commission shall serve as a member of the city council, or hold any office or employment with the city.

(Ord. No. 09-11-10-01, § 2, 11-10-2009)

**Sec. 2-219. Conflicts of interest.**

If any member of the planning commission shall find that his private or personal interests are involved in the matter coming before the planning commission, he shall disqualify himself from all participation in that matter. No member of the planning commission shall appear before the planning commission or the city council as an agent or attorney, unless the matter involves property owned by the member.

(Ord. No. 09-11-10-01, § 7, 11-10-2009)

**Sec. 2-220. Functions.**

The planning commission shall have the following functions:

- (1) Review the zoning ordinance to make recommendations to the city council for text amendments where appropriate. Make recommendations regarding planning and zoning goals and objectives to the city council for implementation, and also recommendations regarding the enforcement of the zoning ordinance.
- (2) Conduct meetings and public hearings to review proposed amendments to the zoning ordinance or the zoning map, or both, in order to make recommendations to the city council on text amendments to the zoning ordinance, rezoning applications, zoning applications involved in annexations, special use permits, variances, and other matters that arise under the zoning ordinance. No action by the planning commission shall constitute a final action on zoning decisions, and the planning commission shall only make recommendations to the city council. As provided herein, the city council shall take final action regarding zoning decisions, typically after a recommendation by the planning commission, but in the event of a lack of a quorum on the planning commission or a tie vote by the planning commission, the city council may take final action regarding zoning decisions without a recommendation by the planning commission.
- (3) Following state law regarding zoning matters, conduct all public hearings on zoning matters, unless the planning commission lacks a quorum or refuses to hold a public hearing, and in which event the city council may conduct the zoning hearing following the procedures of state law regarding zoning matters. The planning commission, unless it lacks a quorum or has a tie vote, shall submit a recommendation as to each planning and/or zoning matter to the city council.
- (4) Perform such other functions and duties as prescribed by the city council relative to planning and/or zoning and as established by the city council from time to time.

(Ord. No. 09-11-10-01, § 8, 11-10-2009)

Secs. 2-221—2-252. Reserved.

**SECTION 2.**

**SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the

provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 3.**

**REPEAL OF CONFLICTING ORDINANCES TO  
THE EXTENT OF THE CONFLICT.**

All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

**SECTION 4.**

**EFFECTIVE DATE.**

The effective date of this ordinance shall be upon its passage by the City Council.

**SO ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**BLUE RIDGE CITY COUNCIL**

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

Attest:

\_\_\_\_\_  
Amy Mintz, City Clerk

## City Council Meeting Agenda Submittal

MEETING DATE: 2/15/2022

AGENDA NO: 5b.

### AGENDA ITEM:

AN ORDINANCE TO AMEND CHAPTER 10 ("BUSINESS REGULATIONS"), ARTICLE V ("SHORT-TERM VACATION RENTALS"), SEC.10-198 ("EFFECTIVE DATE; TOLLING; SPECIAL LAND USE PERMIT; NONCONFORMING GRANDFATHERED USE") OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA TO ELIMINATE THE USE OF SPECIAL LAND USE PERMITS FOR SHORT-TERM VACATION RENTALS AND FOR OTHER PURPOSES. (FIRST READING)

### BACKGROUND:

This Ordinance eliminates the use of special land use permits for short term rentals based on the grace period having expired that owners of property used for short-term vacation rentals but not zoned for commercial use could apply for either a rezoning to a commercial category or a special land use permit to continue the use the property for a short-term vacation rental.

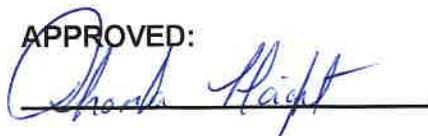
### RECOMMENDATION:

It is recommended that the City Council enact the attached Ordinance.

### ATTACHMENT (S):

Ordinance No. BR2022-05

APPROVED:



Mayor



City Administrator



FIRST READING \_\_\_\_\_

SECOND READING \_\_\_\_\_

PASSED \_\_\_\_\_

**AN ORDINANCE NO. BR2022-05**

**AN ORDINANCE TO AMEND CHAPTER 10 (“BUSINESS REGULATIONS”), ARTICLE V (“SHORT-TERM VACATION RENTALS”), SEC. 10-198 (“EFFECTIVE DATE; TOLLING; SPECIAL LAND USE PERMIT; NONCONFORMING GRANDFATHERED USE”) OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA TO ELIMINATE THE USE OF SPECIAL LAND USE PERMITS FOR SHORT-TERM VACATION RENTALS AND FOR OTHER PURPOSES.**

**WHEREAS**, on or about July 9, 2019, the City Council of the City of Blue Ridge, Georgia, adopted the “City of Blue Ridge Short-Term Vacation Rental Ordinance,” which is now codified at Sec. 10-191 through Sec. 10-198 of the Code of the City of Blue Ridge, Georgia;

**WHEREAS**, the City of Blue Ridge Short-Term Vacation Rental Ordinance limits short-term vacation rentals to properties zoned for commercial use and requires eligible property owners to obtain a short-term vacation rental certificate;

**WHEREAS**, as initially adopted, the City of Blue Ridge Short-Term Vacation Rental Ordinance contained a 30-day “grace period,” whereby owners of property used for short-term vacation rentals but not zoned for commercial use could apply for either a rezoning to a commercial category or a special land use permit and continue to use the property for short-term vacation rentals;

**WHEREAS**, the 30-day grace period having since expired, the City Council of the City of Blue Ridge, Georgia, finds that it is in the best interest of the City and its citizens to eliminate the use of special land use permits for short-term vacation rentals.

**NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED** by the authority of the City Charter and general law, that Chapter 10 (“Business Regulations”), Article V (“Short-Term Vacation Rentals”), Sec. 10-198 (“Effective date; tolling; special land use permit; nonconforming grandfathered use”) of the Code of the City of Blue Ridge, Georgia, is hereby amended to read as follows:

**SECTION 1.**

**ARTICLE V (“SHORT-TERM VACATION RENTALS”), SEC. 10-198 (“EFFECTIVE DATE; TOLLING; SPECIAL LAND USE PERMIT; NONCONFORMING GRANDFATHERED USE”)**

Chapter 10 (“Business Regulations”), Article V (“Short-Term Vacation Rentals”), Sec. 10-198 (“Effective date; tolling; special land use permit; nonconforming grandfathered use”) is hereby amended to read as follows:

**Sec. 10-198. Effective date; tolling; special land use permit; nonconforming grandfathered use.**

(a) The effective date of the ordinance from which this article is derived shall be immediately upon its passage by the city council and execution by the mayor or upon 15 days expiring from the date of its passage without a veto of said ordinance by the mayor as set forth in the city Charter at section 3.23(b).

(b) A holder of any existing special land use permit permitting short term rentals on property that is not within a category eligible for the issuance of a short term rental certificate may be subject to suspension or revocation via a show-cause hearing conducted by the city council if the owner/property owner/operator is found in violation of any local, state or federal laws, regulations or ordinance regulating such business or the violation any of the city council's stipulations of the special land use permit. The city shall be authorized to conduct a show-cause hearing if the violations are not corrected within ten days of official notification provided by the city, and/or are habitual in nature, and/or endanger the public health, safety and welfare.

(c) In the event an owner or the owner's agent is currently operating a short-term rental upon property which is not within a category eligible for the issuance of a short-term rental certificate and has been paying the monthly hotel/motel tax as required by law, said operation shall be considered to be grandfathered and allowed to continue operation until there is a change in ownership of said property. However, all other terms and conditions of this article shall apply to any grandfathered short-term rental located on property zoned a category other than a commercial category set forth in this article.

**SECTION 2.**

**SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 3.**

**REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.**

All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

**SECTION 4.**

**EFFECTIVE DATE.**

The effective date of this ordinance shall be upon its passage by the City Council.

**SO ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

BLUE RIDGE CITY COUNCIL

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

Attest:

\_\_\_\_\_  
Amy Mintz, City Clerk

## City Council Meeting Agenda Submittal

MEETING DATE: 2/15/2022

AGENDA NO: 5c.

**AGENDA ITEM:**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BLUE RIDGE, STATE OF GEORGIA, TO RATIFY AND AFFIRM THE ADOPTION OF CHAPTER 111 ("STORMWATER MANAGEMENT") OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA

**BACKGROUND:**

This Resolution ratifies and affirms the adoption of Chapter 111 ("Stormwater Management") as part of the City Code.

**RECOMMENDATION:**

It is recommended that the City Council enact the attached Ordinance.

**ATTACHMENT (S):**

Resolution No. BR2022-06

APPROVED:



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Mayor



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City Administrator

**RESOLUTION NO. BR2022-06**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BLUE RIDGE,  
STATE OF GEORGIA, TO RATIFY AND AFFIRM THE ADOPTION OF CHAPTER  
111 (“STORMWATER MANAGEMENT”) OF THE CODE OF THE CITY OF BLUE  
RIDGE, GEORGIA**

**WHEREAS**, by virtue of Ord. No. BR2022-03, the City Council of the City of Blue Ridge, Georgia, adopted the Code of the City of Blue Ridge, Georgia (hereinafter “Code”);

**WHEREAS**, Chapter 111 (“Stormwater Management”) of the Code indicates that it was previously approved as Ord. No. BR 2020-09 on August 11, 2020;

**WHEREAS**, it appears that Ord. No. BR 2020-09 was presented to the City Council for a first reading on March 10, 2020;

**WHEREAS**, however, the minutes from the August 11, 2020 City Council meeting make no reference to Ord. No. BR 2020-09; and

**WHEREAS**, the Mayor and City Council nevertheless wish to ratify and affirm the adoption of Chapter 111 (“Stormwater Management”) as part of the Code.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and City Council of Blue Ridge do hereby ratify and affirm Chapter 111 (“Stormwater Management”) as part of the Code of the City of Blue Ridge, Georgia.

ADOPTED this 15<sup>th</sup> day of February, 2022.

MAYOR AND CITY COUNCIL OF BLUE RIDGE

\_\_\_\_\_  
Mayor, City of Blue Ridge

\_\_\_\_\_  
Clerk, City of Blue Ridge

## City Council Meeting Agenda Submittal

MEETING DATE: 2/15/2022

AGENDA NO: 6a

**AGENDA ITEM:**

Motion to approve an invoice in the amount of \$10,711.84 to Municode for City Code Books.

**BACKGROUND:**

This invoice is to pay for the City Code Books compiled by Municode.

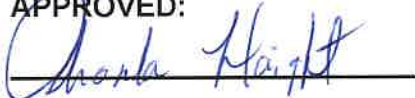
**RECOMMENDATION:**

It is recommended that the City Council adopt the Motion to approve.

**ATTACHMENT (S):**

Municode Invoice

APPROVED:



Mayor



City Administrator



P.O. Box 2235 Tallahassee, FL 32316  
 info@municode.com • 800.262.2633

**INVOICE**

Bill To:

Blue Ridge, Georgia  
 cityclerk@cityofblueridgega.gov \*Kelly Crowder  
 3101 E. First Street  
 Blue Ridge, GA 30513

Invoice Number	00369525
Invoice Date	1/31/2022
PO Number	
Customer ID	10-1323
Payment Terms	Net 30

Quantity	Description	Unit Price	Extended Price
	CONTRACT BASE	\$11,250.000	\$11,250.00
22	CODE PAGES OVER BASE OF 450	\$26.000	\$10,972.00
3	IMAGES,GRAPHS & TABULAR MATTER	\$0.000	\$0.00
0	BINDERS	\$0.000	\$0.00
0	SETS OF TABS	\$0.000	\$0.00
1	LESS ADVANCE PAYMENTS	\$9,560.000	(\$9,560.00)
0	COPIES OF THE RECODIFICATION		
0	THE CODE OF ORDINANCES		
	LESS CREDIT ON ACCOUNT		Total Credit (\$2,000.00)

Would you like to receive future invoices via email? Please send an email to [finance@municode.com](mailto:finance@municode.com) to enroll in emailed invoices! Please include your Customer ID and the email address(es) you would like to be included in future invoices.

Subtotal	\$10,662.00
Discount	\$0.00
Freight	\$49.84
Tax	\$0.00
<b>Total</b>	<b>\$10,711.84</b>

<b>EFT Payment Instructions</b>		<b>Check Payment Instructions</b>	
Bank Name:	Hancock Whitney Bank	Payee:	Municode
ABA Routing Number:	0210-5205-3	Mailing Address:	PO Box 2235
Account Number:	22937310		Tallahassee, FL 32316-2235
Account Name:	Municipal Code Corporation	FEIN:	59-0649026

## City Council Meeting Agenda Submittal

MEETING DATE: 2/15/2022

AGENDA NO: 6b

**AGENDA ITEM:**

Motion to approve an invoice in the amount of \$33,400 to Brannen Ford for 2022 Ford Explorer for the replacement of a damaged vehicle in the Police Department.

**BACKGROUND:**

This invoice is to replace a damaged vehicle in the Police Department.

**RECOMMENDATION:**

It is recommended that the City Council adopt the Motion to approve.

**ATTACHMENT (S):**

Brannen Invoice

APPROVED:

A handwritten signature in blue ink, appearing to read "Chuck Haupt", written over a horizontal line.

Mayor

A handwritten signature in blue ink, written over a horizontal line. The signature is stylized and difficult to read.

City Administrator



Police Car -



1080 2nd Street  
 PO Box 746  
 Unadilla, GA 31091  
 P: (478) 627-3221 F: (478) 627-9550  
 www.brannenmotor.com

LIENHOLDER:  
 N/A

DATE	02/04/2022	SOLD TO: CITY OF BLUE RIDGE	INVOICE NO.
		ADDRESS 480 W FIRST ST	F2369
		BLUE RIDGE GA 30513	
DEAL #: 3045			

CUST. NO.	STOCK NO	YEAR MAKE	MODEL	NEW OR USED	SERIAL NO.	KEY	SALESMAN
11706	F2369	2022 FORD	EXPLORER	NEW	1FM5K8AB9NGA25262	0706X	BOBBY REED

<u>INSURANCE COVERAGE INCLUDES</u>		PRICE OF CAR	33400.00
FIRE AND THEFT	PUBLIC LIABILITY • AMT.	FREIGHT AND HANDLING	
COLLISION AMT. DEDUCT.	PROPERTY DAMAGE • AMT.	OPTIONAL EQUIP. ACCESS.	0.00

<u>OPTIONAL EQUIPMENT AND ACCESSORIES</u>			
GROUP	DESCRIPTION	PRICE	
			0.00
			0.00
			0.00
			0.00

N/A	0.00
TAX	0.00
LICENSE AND TITLE	0.00
<b>TOTAL CASH PRICE</b>	<b>33400.00</b>

FINANCING	N/A
INSURANCE	0.00
<b>TOTAL TIME PRICE</b>	<b>33400.00</b>

<u>SETTLEMENT:</u>	
DEPOSIT	N/A
CASH ON DELIVERY	
USED CAR: •	
TYPE	
SERIAL NO.	
ENGINE NO.	
PAYMENTS.	

**DISCLAIMER OF WARRANTIES**

THE SELLER, BRANNEN MOTOR COMPANY, HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EITHER EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. AND BRANNEN MOTOR COMPANY NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR ANY LIABILITY CONNECTION WITH SALE OF THE VEHICLE.

PURCHASER'S SIGNATURE _____	<b>TOTAL</b>	<b>33400.00</b>
ALWAYS SHOW SERIAL, ENGINE AND KEY NUMBERS		

ESTIMATED DELIVERY DATE: 02/04/2022

## City Council Meeting Agenda Submittal

MEETING DATE: 2/15/2022

AGENDA NO: 6c

### AGENDA ITEM:

Motion to approve the scope description and price quote in the amount of 10,608.75 to Patriot Rail for work associated with the Depot Street Drainage Improvement Project.

### BACKGROUND:

See the attached scope description and price quote from Chris Bowlin with Patriot Rail. Their quote of \$10,608.75 covers the labor and materials for removing the cross ties and rails and then replacing them once our contractor (Wilson Construction Management) is finished. This is additional work not included in the original project.

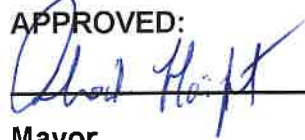
### RECOMMENDATION:

It is recommended that the City Council adopt the Motion to approve.

### ATTACHMENT (S):

Email from Matt Smith, PE Carter & Sloope, Inc and attached price quote

APPROVED:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Administrator

## Eric Soroka

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**From:** City Clerk  
**Sent:** Monday, January 31, 2022 4:09 PM  
**To:** Council & lawyer & mayor  
**Subject:** Fw: Patriot Rail Quote for Labor & Materials  
**Attachments:** 0780\_001.pdf

Good Afternoon,

Rhonda asked that I forward this to you. This will be on the agenda for the next meeting. This is for the storm drain project. See attached email below for more information.

**HAVE A GREAT DAY!!**

Amy Mintz  
City Clerk

*Amy Mintz*  
**PH: 706-632-2091**  
**480 West First Street**  
**Blue Ridge, GA 30513**

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**From:** Rhonda Haight <rhaight@cityofblueridgega.gov>  
**Sent:** Monday, January 31, 2022 4:06 PM  
**To:** City Clerk <cityclerk@cityofblueridgega.gov>  
**Subject:** Fwd: Patriot Rail Quote for Labor & Materials

Sent from my iPhone

Begin forwarded message:

**From:** Matt Smith <msmith@cartersloope.com>  
**Date:** January 31, 2022 at 2:07:01 PM EST  
**To:** Rhonda Haight <rhaight@cityofblueridgega.gov>  
**Subject:** Patriot Rail Quote for Labor & Materials

Rhonda:

Please see the attached scope description and price quote from Chris Bowlin with Patriot Rail. Their quote of \$10,608.75 covers the labor and materials for removing the cross ties and rails and then replacing them once our contractor (Wilson Construction Management) is finished. As we discussed at the preconstruction meeting, that day was the first time that the rail company had mentioned anything about a cost to the city for this work. Chris is also now asking that our contractor provide 12" of sub ballast stone (see Phase 2, Item 1) versus the 6" that we had originally agreed to prior to the bid opening and preconstruction meeting. WCM will be providing us with a price for the additional stone, but I wanted to go ahead and let you know

about the price from Patriot Rail. Let me know if you have any questions or need any additional information.

***Matt Smith, PE***  
***Carter & Sloope, Inc.***  
*115 Woodland Way, Suite 120*  
*Canton, GA 30114*  
*Office: 770-479-8782*  
*Cell: 478-214-3535*

**From:** csprinter478@cartersloope.com <csprinter478@cartersloope.com>  
**Sent:** Thursday, January 27, 2022 4:31 PM  
**To:** Matt Smith <msmith@cartersloope.com>  
**Subject:** Attached Image

## **BSRE CITY CULVERT PROJECT**

**BSRE scope of work during Blue Ridge city culver project.**

**Phase 1: Take 120 foot of rail, spikes and plates up on the mainline and siding. Stage reusable ties for reinstallation.**

**Phase 2. After culvert replacement competition with 12" of crush and run compacted.**

**Phase 2: Reinstalled good ties and 25 new ties. Put the plates back on, relay the rail and spike down.**

**Phase 1 and 2: Require backhoe and crew truck with the crew of men with equipment to complete.**

**Phase 3: Load Hy-Rail dump truck with backhoe with #4 Ballast in order the surface the tracks.**

**Phase 3: Requires Dump truck and Backhoe with two Operators.**

**Phase 4: Tamp and Regulate the tracks per Patriot Rail and FRA standards for Class 1 Passenger trains.**

**Phase 4: Requires Mark 4 Tamper and a Knox Kershaw 46/850 Regulator with the two operators.**

**The next page list the materials and cost.**

Phase 1: Track Removal for the Culvert Replacement	1,850.00
Phase 2: Track reinstallation with the following materials.	
25 Cross ties 63.75 each x 25 =	1,593.75
3 Kegs of 9/16 spikes 89.25 each x 3 =	267.75
Labor cost with Trucks, Backhoe, Tools, and Men included =	2431.00
Phase 3: 38 tons of #4 Ballast delivered, dump truck, Backhoe and	
Operators installing ballast into tracks for tamping =	1905.50
Phase 4: Tamper and Regulator surfacing track with operators =	2560.75
 Total Cost =	 10,608.75

## City Council Meeting Agenda Submittal

MEETING DATE: 2/15/2022

AGENDA NO: 7

**AGENDA ITEM:**

Motion to authorize the Mayor, City Administrator and/or City Clerk to act as signatories for checks issued from or withdrawals made from accounts made by the City.

**BACKGROUND:**

With the election of a new Mayor and the hiring of the City Administrator, the signatories for bank checks need to be updated and approved by the City Council.

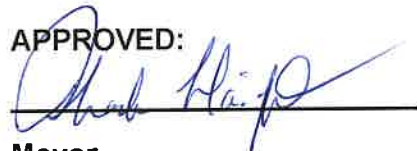
**RECOMMENDATION:**

It is recommended that the City Council adopt the Motion to approve.

**ATTACHMENT (S):**

None

APPROVED:

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
City Administrator